

Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS

Randall D. Peters, P.E., Director – State Engineer
1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759
Phone (402)471-4567 • FAX (402)479-4325 • transportation.nebraska.gov

January 23, 2013

Mr. Mike Brienzo
Lincoln-Lancaster Co. Planning Dept.
555 South 10th Street, Ste. 213
Lincoln, NE 68508

RECEIVED

JAN 28 2013

Lincoln/Lancaster Co.
Planning Department

RE: Request for Change to Biennial TIP and UPWP

Dear Mr. Brienzo:

The Nebraska Department of Roads (NDOR) has reviewed the attached request from the Lincoln MPO to change the current annual TIP and UPWP program to a biennial program. In our research, we have not been able to find an instance where an annual and biennial program exists within the same state. For the sake of consistency in programming procedures, all Nebraska MPO's and NDOR would need to observe the same programming frequency.

As a part of our review, we solicited feedback from the other MPO's. This feedback indicated that a biennial program would cause increased burden to MAPA and SIMPCO as they are required to submit an annual program to their adjoining states.

Therefore, NDOR requires that we keep the UPWP and TIP as an annual document in order to:

- Keep consistency between all Nebraska MPO's and the adjoining states
- Keep consistency with the STIP
- Provide better projections of available Federal funds as funding can become uncertain without multi-year highway bills
- Reduce the number of amendments (a survey of Florida MPOs on their experience after Florida converted from annual to biennial program showed a significant increase in number of amendments during the second year of the program.)

Please feel free to contact me or the NDOR planning staff with additional questions or comments on this matter.

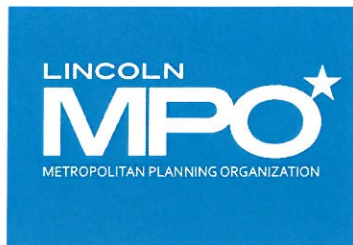
Sincerely,

Randall D. Peters, P.E.
Director-State Engineer

RDP:MO:z

Attachment

cc: Justin Luther, FHWA
Mark Bechtel, FTA
Greg Youell, MAPA
Dwight Lang, SIMPCO
Chad Nabity, Hall County Planning
Mike Owen, NDOR



Lincoln Metropolitan Planning Organization

County-City Building
555 South 10th Street - Suite 213
Lincoln, Nebraska 68508
(402) 441-7491

Date: November 15, 2012

To: Nebraska MPOs; MAPA, SIMPCO, Grand Island, Lincoln

From: Mike Brienzo, Lincoln MPO

Subject: *Proposal for Biennial MPO UPWPs & TIPs*

Copies To: NDOR, FTA & FHWA

The Annual MPO, FHWA and State Coordination Meeting Agenda for December 4, 2012 includes an unstructured roundtable discussion on the topic of *Biennial MPO UPWPs and TIPs*. In order to have a full discussion on this topic, I would like provide some background on this issue and outline some of the key issues that may assist in your consideration.

Discussion Issue

The Lincoln MPO Officials has requested Nebraska Department of Roads (NDOR) to look into and consider the development of “Biennial MPO Programs” or a two year program update cycle to match its local two-year budgeting cycle. According to federal regulations, the development of the Transportation Improvement Program (TIP) and Unified Planning Work Program (UPWP) on a two-year cycle is allowed. However, there are conditions and requirements for Federal, State and MPO coordination and approvals for both programs. Since a biennial program update cycle will effect all Nebraska MPOs, NDOR staff would additional input on this issue.

Transportation Improvement Program

The Metropolitan Planning Organization (MPO), in cooperation with the State and the public transportation operator, is required to develop a TIP for the metropolitan planning area. The TIP is to cover a period of no less than four years, be updated at least every four years, and be approved by the MPO and the Governor. The TIP may be updated more frequently, but the cycle for updating the TIP must be compatible with the State-TIP (STIP) development and approval process. The TIP expires when the FHWA/FTA approval of the STIP expires.

TIP revisions. The MPO may revise the TIP at any time under the agreed to procedures that are consistent with the established procedures for TIP development and approval. The public participation procedures are to be consistent with the MPO transportation planning process and be used when revising the TIP. The exception is for revisions using an administrative modification procedure.

TIP relationship to the STIP. After approval by the MPO and the Governor, the TIP is included by reference in the STIP and a copy of the approved TIP/STIP is to be provided to the FHWA and the FTA. The NDOR policy, “Guidelines for Development of the Nebraska Statewide Transportation Improvement Program (STIP)” adopted in 2011, calls for the STIP to be developed annually through a cooperative effort with its three Nebraska metropolitan planning organizations. (Soon to be four MPOs.) This annual process conforms with 23 USC 134 in establishing a program for the upcoming fiscal year plus at least the three following years. The MPO’s current TIP update and revision process meets these thresholds.

Staff Discussion. The Nebraska MPO TIPs are currently updated annually to coincide with the annual STIP update cycle and to meet the federal requirement that the cycle for updating the TIP that is compatible with the State-TIP development and approval process. Since TIPs are incorporated into the STIP and the TIP expire when the FHWA/FTA approval of the STIP expires” [23 USC 134], the update cycle of all the Nebraska MPOs must have the same annual timeline. Hence, before Lincoln can change to a two year program update cycle, all the Nebraska MPOs and NDOR will have to make the same change.

In the opinion of Lincoln, a two-year program process would have greater efficiencies because programs and projects tend to be programmed in phases and implemented over multiple years. These change little from year to year and any minor adjustments are accommodated with administrative modifications. Other projects such as approved FTA program projects, safety projects, enhancement or Transportation Alternative projects tend to be programmed throughout the year and will likely require a program amendment regardless of the programming cycle.

Unified Planning Work Program

Each MPO, in cooperation with the State and public transportation operator, is to develop a UPWP that includes a discussion of the planning priorities facing the planning area. The program is to identify work proposed for the next one- or two-year period by major activity and task, in sufficient detail to indicate who (e.g., MPO, State, public transportation operator, local government, or consultant) will perform the work, the schedule for completing the work, the resulting products, the proposed funding by activity/task, and a summary of the total amounts and sources of Federal and matching funds. The UPWP document outlines planning activities that help provide a continuing, cooperative and comprehensive (3-C) transportation planning process within this area and implement the Transportation Plan.

Funding. The UPWP identifies transportation plans and programs that will be conducted within the MPO metropolitan planning area with an emphasis on federal funding. Funds provided under U.S.C. are made available to MPOs to accomplish metropolitan transportation planning activities. Transportation planning activities performed with these funds in an urbanized area designated as a TMA (population over 200,000), must be documented in a UPWP. Non-TMAs may use a simplified statement of work.

Staff Discussion. Each year the MPO works with NDOR, the Federal Highway Administration, and the Federal Transit Administration to develop a UPWP for the following year. The program is developed annually along with NDOR PL Funding agreements. Federal requirements now enable agencies to prepare a two-year program which has not been adopted in Nebraska. Converting to a two-year program may provide the public and policy makers with a better understanding of the larger planning horizon and more efficiently use limited staff resources.

Lincoln and the other Nebraska MPOs would have to work out the details on how a two-year program would function and may, at times, require program adjustments halfway through the two year program. For example, the program would be based upon an estimate that is adjusted as federal planning funds become available. A preferred approach would be for NDOR to support a full two-year funding agreement and up any short-fall or overage in funding could be settled at the beginning of a new program cycle. A two year program would also provide an uninterrupted link between program years.

Nebraska Department of Roads and FHWA Response

In discussions on this topic with NDOR and FHWA, it was recognized that there is value in having a two-year TIP programming period and the State is open to the idea, but they would like to have a continued discussion on the topic.

There are several things that needed to be considered before deciding this request. One concern of the State is the requirement to continue coordinating the MPO TIPs with the STIP. A critical aspect is the coordination of all the MPOs in the same update cycle. This process brings the local and state programs together for public review and for FHWA/FTA approval. Different update cycles for the MPOs is not an option and all will need to agree on any change.

It was also noted that the new Surface Transportation Bill (MAP-21) will end in FY 2014 which only covers two years. This raises the concern that transportation funding would go into another round of continuing resolutions which means they may have a hard time knowing what funding will be available. The issue may create a problem in maintaining a financially constrained TIP/STIP by year which may place an additional burden on a Biennial TIP process.

It was noted that other states have biennial programs. Florida, for example, coordinates biennial TIPs. It was also noted that one issue they face is a large number of revisions in the second year. The result of a two-year process could be more paperwork and amendments in order to maintain the TIP.

There has been less discussion on converting to a biennial UPWP, but it was noted that federal funds are allocated annually and funding is tied to the program through MPO/NDOR agreements. Changes in federal requirements may easily allow agencies to convert to a two-year program format but it is unclear to NDOR staff if two year agreements are acceptable or is the second year simply based upon a funding estimate. Counter to this concern is the MPOs recent experience in managing their transportation programs based upon estimates because of several years of SAFETEA-LU continuing resolutions passed by Congress.

Action

The State would like to hear from all the MPOs on this proposal at the annual MPO coordination meeting. to discuss this proposal.

- 1) All Nebraska MPO's change to a two-year programming cycle for either one or both the UPWP and the TIP and request the State to accommodate this programming change.
- OR
- 2) Take no action not change the current programming schedule.